

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

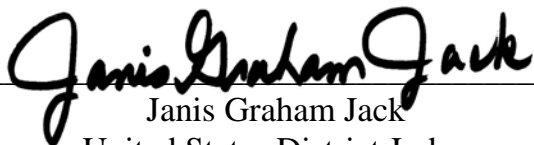
UNITED STATES OF AMERICA,	§	
Plaintiff/Respondent,	§	
	§	
V.	§	CR. No. C-04-82
	§	C.A. No. C-07-446
GUILLERMO GALVAN,	§	
Defendant/Movant.	§	

ORDER GRANTING MOTION TO PROCEED ON APPEAL *IN FORMA PAUPERIS*

Pending before the Court is Defendant Guillermo Galvan's hand-written motion to proceed *in forma pauperis* in his appeal from the denial of his motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. (D.E. 91.) The motion, received by the Clerk on September 26, 2008, does not contain the typical forms nor a certification from a prison official regarding Galvan's prison account. Galvan has submitted an affidavit, however, in which he claims he has limited time in the law library and has been unable to obtain the proper forms. (D.E. 91 at 2.) He also avers that he has "no way of paying the [\$455] filing fee," that he has no one to help him pay the filing fee, and that he has "no income whatsoever." (D.E. 91 at 1.) Based on these averments, as well as the financial information contained in Galvan's Presentence Investigation Report and his entitlement to appointed counsel throughout his criminal and § 2255 proceedings based on his indigency, the Court concludes that he is entitled to proceed on appeal *in forma pauperis*.

For the foregoing reasons, Galvan's *ifp* motion (D.E. 91) is GRANTED.

It is so ORDERED this 26th day of September, 2008.



Janis Graham Jack
United States District Judge